

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4129 of 2020

IN CRL.MP.NO.2646 of 2020

NAMMAZHVAR

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP.BY

[RESPONDENT]

THE SUB-INSPECTOR OF POLICE,
S-11, TAMBARAM POLICE STATION,
CHENNAI-600 045.
CR.NO.61 OF 2020.

GRT JEWELLERS (INDIA) PVT.LTD.,
REP.BY ITS CORPORATE MANAGER,
MR.PRABAKARAN

[PETITIONER / INTERVENER]

[ORDERED AS PER ORDER OF THIS COURT DATED 27/02/2020 IN
CRL.MP.2646/2020 IN CRL.O.P.NO.4129/2020]

For Petitioner : M/S.K.VENKATAPATHY Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor
(DATED 27/02/2020)

**MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR
(DATED 12/03/2020)**

For Intervener : M/S.M.RAJAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 408, 420, 468, 471 and 472 of I.P.C. in Cr.No.61 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused are alleged to have created fake bills in the name of some corporate companies and have taken away the valuable golden,

and diamond jewelleryes and silver articles from the GRT Jewellers. On the basis of the complaint lodged by the defacto complainant/ Corporate Manager of GRT Jewellers, Tambaram Branch, Chennai, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner was working as Show Room Assistant Manager and he resigned his job as early as on 09.05.2018 and the case was registered only on 06.02.2020.

4.The learned counsel appearing for the petitioner would further submit that earlier the petitioner's brother who was working as Diamond Appraiser was accused of having committed theft of jewels and due to the threat given by the Management, he committed suicide. Thereafter, the petitioner was taken into custody and hence, the petitioner has given a sum of Rs.78 Lakhs to the GRT Jewellers. The learned counsel on instructions, would further submit that to show his bonafide, the petitioner is ready to deposit a sum of Rs.5 Lakhs to the credit of the crime number and is ready to co-operate with the investigation.

5.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.The learned Additional Public Prosecutor would submit that investigation is pending.

7.It is un-disputed fact that the petitioner has already given a sum of Rs.78 Lakhs to the GRT Jewellers. Hence, considering the fact that the petitioner is ready to deposit a sum of Rs.5 Lakhs to the credit of the crime number and is ready to co-operate with the investigation, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **(*) THE JUDICIAL MAGISTRATE - I, TAMBARAM** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Cr.No.61 of 2020 before the Tambaram Sub Court within a period of two weeks from the date of receipt of a copy of this order.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*) BEING MENTIONED AND FURTHER, ONE WEEK TIME IS EXTENDED FROM TODAY TO SURRENDER AND EXECUTE SURETIES AND TO COMPLY WITH THE CONDITIONS, ORDERED AS PER ORDER OF THE COURT DATED 12/03/2020 BY THE HON`BLE MR JUSTICE A.D.JAGADISH CHANDIRA

TO

**(*)1 THE JUDICIAL MAGISTRATE NO.1,
TAMBARAM**

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB COURT,

TAMBARAM

5 THE SUB-INSPECTOR OF POLICE,
S-11, TAMBARAM POLICE STATION,
CHENNAI-600 045.

CC to M/S.K.VENKATAPATHY Advocate on payment of necessary
charges

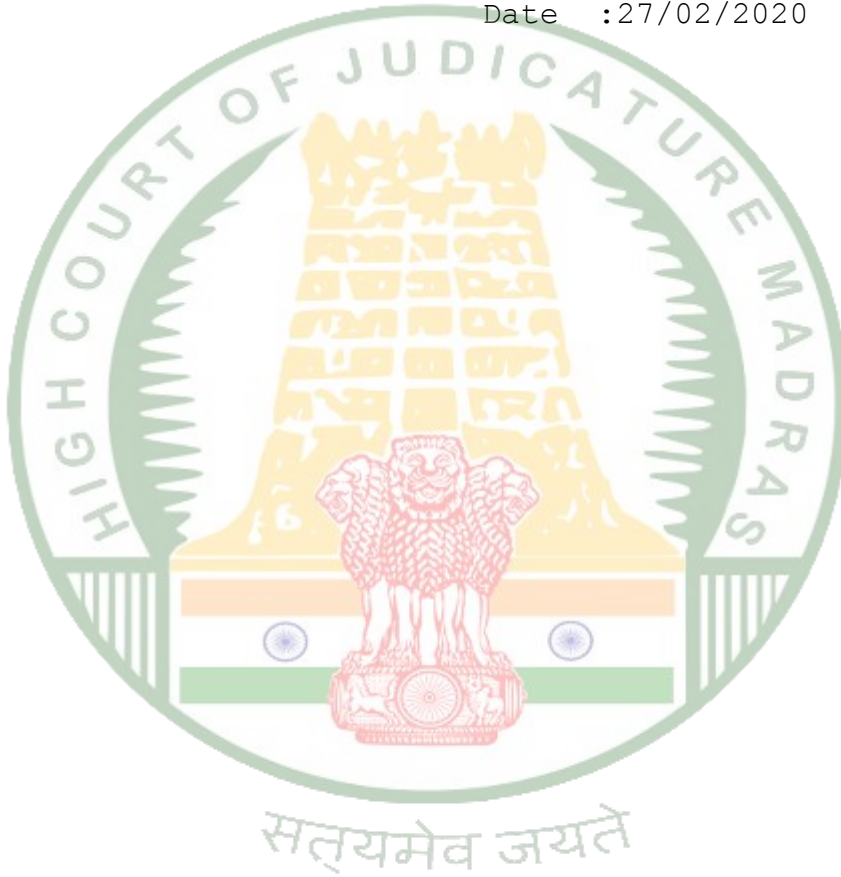
CRL OP.4129/2020

IN CRL.MP.NO.2646 of 2020

Date :27/02/2020

TA-03/03/2020

RVR 12/03/2020



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